

# CHAPTER 14 PLANNING AND SIGNS

Amended 2-27-13

## Article 14-1 PLANNING AND ZONING COMMITTEE

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### Sec 14-1-1 ESTABLISHMENT

The council, in order to conserve and promote the public health, safety and general welfare, to plan and provide for the future growth and improvement of the town, may establish a Town Planning and Zoning Committee, herein called the "Committee" to consult with and advise it regarding matters of planning and zoning.

### Sec 14-1-2 MEMBERSHIP

- A. The committee shall consist of no less than five members appointed by the council who shall be responsible to the council.
- B. All members shall be, and have been, qualified electors and residents, within the corporate limits of the Town of Patagonia, for a period of not less than two (2) years. They shall serve without compensation. They shall faithfully and diligently participate in the work of the committee. No more than one member of the committee may be an employee or officer of the town.
- C. No member shall act as agent for or represent anyone in any matter coming before the committee. No member shall vote on or participate in the committee's discussions of any matters in which s/he has a financial or closely related personal interest whether direct or indirect.
- D. Any member may be removed by the council for neglect of duty, inefficiency or misconduct in office after ten days written notice and hearing thereon. If a Committee member misses more than three meetings their membership in the committee is terminated.
- E. If a committee member moves from the town, his/her office shall at once become vacant.

### Sec 14-1-3 TERMS

- A. Members of the committee shall serve four year terms.
- B. Terms expire the day preceding the regular May meeting of the year in which the terms are designated to expire.
- C. Vacancies in any term, other than by expiration of term, shall be filled by appointment for the unexpired portion of the term.

**Sec. 14-1-4 OFFICERS**

At the regular May meeting the committee shall elect a chairperson and a vice chairperson whose terms shall be for one year.

**Sec. 14-1-5 ORGANIZATION AND RULES**

- A. The committee shall hold one regular meeting each month as needed and such additional meetings as the chairperson deems necessary.
- B. The committee may adopt By-Laws and Rules of Procedure for the conduct of its business.
- C. A majority of the committee shall constitute a quorum, and a majority vote of the quorum present shall be required for any official action.

**Sec. 14-1-6 RECORDS AND REPORTS**

- A. The official records of the committees shall include its rules of procedure, minutes of the meetings, resolutions and its adopted reports, which shall be kept in the office of the town clerk/treasurer and shall be available for public inspection during customary office hours.
- B. The committee shall submit to the council such special reports as may be requested and in May shall submit an annual report of the state and progress of its work and such other information as the council may desire.

**Sec. 14-1-7 POWERS AND DUTIES**

- A. The planning and zoning committee shall be responsible for identifying and evaluating the unique factors influencing the character and locations of development in the town. The committee shall give attention to both existing conditions and to potential and desirable changes.
- B. The committee shall:
  - 1. Formulate, adopt and from time to time revise a long term town plan to guide the development of the town and recommend its adoption or amendment to the council.
  - 2. Recommend to the council the adoption or amendment of zoning regulations and maps or other land use regulations and maps as the committee may deem appropriate.
  - 3. Recommend to the council rules and regulations, policies, resolutions, ordinances and plans which in the opinion of the committee are necessary to carry out the town plan.
  - 4. Recommend to the council subdivision platting rules and regulations and amendments.

5. Recommend to the council amendments to the official map of the town.
  6. Submit annually to the council, not less than sixty days prior to the beginning of the fiscal year, a list of recommended capital improvements which in the opinion of the committee are necessary or desirable during the forthcoming three year period.
- C. The committee shall be responsible to and advise and recommend to the council on such matters affecting its own administration.
- D. The committee shall be responsible to, and act as an advisory body to, the council on all town planning and development matters. In the performance of its functions and duties the committee shall have power to:
1. Enter upon any land and make examinations thereof only with permission, or a court order, or a search warrant and accompanied by law enforcement officials. Or, conduct drive-by inspections from adjacent roads or land on which committee members have permission.
  2. Prepare and recommend emergency plans and policies for the re-planning, reconstruction or redevelopment of any area within the town limits seriously damaged by fire, flood or other disaster.
  3. Distribute informational reports in order to arouse public interest and to increase public understanding and knowledge of the town plan.
  4. Serve as a liaison committee in dealing with citizen groups and agencies of the county, state and federal governments on planning and development problems of common concern to the town.
  5. Exercise such additional powers as may be necessary and perform tasks assigned to it by the council.

#### Article 14-2 USE PERMITS

- A. 1. Purpose: The purpose of the regulations described by this Article is to allow the compatible and orderly development within the Town of uses which may be suitable only under specific conditions. A Use Permit is required for all uses other than single-unit residential use.
2. All new construction, major remodeling or new uses that are materially different from prior use of existing structures must apply for a use permit pursuant to this article. The owner or tenant must inform the town manager of a proposed new use of a property prior to its initiation and the town manager shall issue a written determination within ten (10) days stating whether the new use materially differs from prior use such that a new use permit is required prior to commencing the new use. In making this determination, the town manager shall primarily focus on differences in off-site impacts of the proposed new use compared to the permitted use.
  3. A Use Permit may impose conditions and specified time duration in order to carry out the provisions and intent of the Town's adopted ordinances and General Plan.

4. The following limited commercial uses of a residential structure are permitted as a matter of right and shall not require a use permit as described herein:
  - a. a licensed home occupation, so long as it does not:
    - i. involve more than incidental retail sales;
    - ii. produce noise, odor, smoke, dust, glare, electrical interference or other similar off-site impacts;
    - iii. store business materials/supplies where they are visible from the street;
    - iv. reasonably contemplate more than one visitor/client at a time; nor
    - v. employ more than three (3) employees, partners or business associates, including the occupants of the residence.
  - b. occasional business-related meetings of no more than eight (8) persons.
- B. Application Filing Procedure: The town manager shall have the authority to develop such forms and additional procedures as may be necessary for the proper administration of this article, provided that such are not inconsistent with the provisions set forth herein and are given final approval by the Town Council. Application shall be made by the property owner or equitable owner (the purchaser where a contract to purchase the property has been signed) to the town manager on a form prescribed for this purpose by the Town. Granting a Use Permit does not exempt the applicant from complying with requirements of the Building Code or other ordinances.
- C. Review and Approval: The Planning and Zoning Committee shall make recommendations on all Use Permit applications. The Town Council shall have the final authority for approval or denial of all Use Permits. The following procedures shall be followed for all permit applications.
  1. Application for Use Permits shall be submitted to the town manager in writing and be referred to the Committee for a public hearing, which shall be held no more than ninety (90) days from the date of the application. The town manager shall investigate conditions, arrange hearing notification, and obtain any expert advice needed to evaluate the application. The town manager may request changes to the specifics of the application in order to improve community compatibility of the proposed use.
  2. After receiving an application for a Use Permit, the town manager shall give notification of such request and notice of the public hearing by the mail to all owners of real property located within five hundred (500) feet of the property on which application has been made. The names and both physical and mailing addresses of the affected parties shall be supplied by the applicant. Notice of the public hearing shall also be posted no less than fifteen (15) days prior to the hearing date in the location where Town Council meeting notices are posted and at the corners of the subject property in a manner visible to the general public.
  3. After a public hearing, the Committee may make a recommendation for denial, approval or approval with conditions. In recommending a Use Permit be approved, the Committee, in consultation with the town manager, may attach requirements and conditions with respect to location, construction, architecture, site layout, maintenance, and operation, in addition to those expressly stipulated in this Ordinance, as it deems necessary for the protection of adjacent properties, safety and the public interest.

4. The recommendation of the Committee shall be considered by the Town Council after the same public notice requirements as specified in Paragraph C.2 above. The Town Council shall make a final decision on the approval of the Use Permit and any attached conditions.
  5. Each Use Permit approved by the Town Council shall be evidenced by a duly adopted resolution granting the Use Permit and containing such conditions as may be prescribed by the Town Council.
- D. Prerequisites for Approval: The Town Council, after receipt of report and recommendation of the Committee, may approve a Use Permit subject to appropriate conditions and safeguards, when, after public notice and a hearing, the Town Council finds:
1. The proposed use is in harmony with the purpose and intent of this ordinance and the Town's General Plan.
  2. The proposed use will not be detrimental to the health welfare and safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring property.
  3. The Town Council may impose additional restrictions or conditions to carry out the spirit and intent of this ordinance and to mitigate adverse effects of the proposed use. These requirements may include, but are not limited to, increased open space, loading and parking requirements, suitable landscaping, and additional improvements such as drainage, trails, and fencing.
- E. Development and Time Limits: Following the issuance of a Use Permit, the town manager and/or Building Official shall ensure that if the development/use is undertaken, it is commenced in compliance with said permit within one (1) year. If said development is not commenced within one year of issuance of the Use Permit, said Use Permit shall expire without notice, provided that a one-time one-year extension of the use permit shall be granted by the town manager if applicant requests such an extension prior to the permit's expiration and demonstrates good cause.
- F. The decision whether to grant, deny or to condition the grant of, a use permit is entirely within the legislative discretion of the town council, and the denial of a use permit is not the denial of a right, conditional or otherwise. The decision to grant, deny or to condition the grant of a use permit is a legislative act subject to review by referendum.

#### Article 14-3 TOWN PLAN

- A. The committee shall formulate and adopt a comprehensive long term town plan for the growth, development and beautification of the town. The town plan with accompanying maps and descriptive matters shall show the council's recommendations for the area of jurisdiction together with general land use regulations. The town plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the area of jurisdiction. In the preparation of the town plan the committee shall make surveys and studies of present conditions and prospective future-growth.
- B. The town plan shall provide for land use and shall show the land use designations as appropriate for various classes of residential, business and industrial uses and other land uses.

- C. The committee may adopt the town plan as a whole or by successive actions adopt separate parts of the plan corresponding with the functional divisions of subject matters and, from time to time, amend, extend or add to the town plan. Before adoption of the plan or any part, amendment, extension or addition, the committee shall hold at least one public hearing thereon as provided by the Arizona Revised Statutes.
- D. After adoption of the town plan, or any part thereof, the committee shall submit the plan to the council for its consideration and official action as provided in Arizona Revised Statutes.
- E. Upon adoption of the town plan, or any part thereof, by the council, the town plan shall be the official guide of the committee.
- F. The committee annually shall review the adopted town plan and shall submit to the council a report of its findings and recommendations for amendments or extensions to the plan.

#### Article 14-4 OFFICIAL MAP

- A. The town engineer, upon direction of the council, shall prepare and maintain the official map of the town, a copy of which with amendments thereto shall be on file with the town clerk/treasurer.
- B. The official map of the town shall show, indicate or identify:
  1. All county roads and highways as established by the county Board of Supervisors.
  2. All state and federal designated highways.
  3. All routes for which right of way widening lines have been or may be established according to maps, plans or resolutions adopted or approved by the council.
  4. Major streams, town parks, highway rest stops.
- C. Each proposed amendment to the official map shall first be submitted to the planning and zoning committee for its recommendations to the council. In case of disapproval, the committee may communicate its reason to the council. The failure of the committee to act within thirty (30) days after the date of the official submissions may be deemed approval.

#### Article 14-5 SIGNS

- 14-5-1 Intent
- 14-5-2 Definitions
- 14-5-3 General Regulations
- 14-5-4 Window Signs
- 14-5-5 Dimensions
- 14-5-6 Permits
- 14-5-7 Nonconforming Signs

#### Sec. 14-5-1 INTENT

Signs are herein regulated in the interests of promoting traffic safety, safeguarding public health and comfort, facilitating police and fire protection and in preventing adverse community

appearance. Regulations are written to permit maximum legibility and effectiveness of signs while preventing their over-concentration, improper placement, and excessive height, bulk and area.

#### Sec. 14-5-2 DEFINITIONS

A sign consists of any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public. This includes the display of any letter, numeral, figure, emblem, picture, outline or beacon which is visible beyond the boundaries of the parcel it is located on. Excluded from this definition is any badge, flag or insignia of any government agency, or of any charitable or religious organization or official traffic control device.

#### Sec. 14-5-3 GENERAL REGULATIONS

- A. No ground sign shall exceed twenty (20) feet in height above grade. No wall sign shall extend above the height of the building to which it is attached, and no signs will be constructed upon or supported by any roof. Signs may be supported by roofs over porches, patios or ramadas as long as the sign does not extend above the roof line of the main building to which the porch, patio or ramada is attached.
- B. Flashing, intermittent, rotating, animated, beacon or similar illuminated signs and audible signs shall be prohibited. No sign shall have moving parts, including banners, pennants or devices set in motion by the wind except during a community function or civic festival for a period not to exceed fourteen (14) days or immediately following the opening of a new business, for a period not to exceed fourteen (14) days.
- C. Except as otherwise expressly permitted by state law, no part of any sign shall be erected within or projected over any part of a public street, alley or park. Signs may be displayed on designated sign posts in park areas with council approval.
- D. Every sign and its supporting structure shall be properly maintained.
- E. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door or fire escape, nor shall any sign be attached to a standpipe or fire escape.
- F. No sign shall be erected or maintained at or near any intersection of streets in such a manner as to obstruct free and clear vision.
- G. No sign shall be erected or painted upon or attached to any tree, rock or other natural feature, or to any fence post or utility pole. Temporary signs used to announce special public events such as fairs, exhibits, yard sales, club meetings, religious festivities, etc. may be displayed on buildings, billboards or utility poles for a period not to exceed thirty (30) days. Temporary signs may be posted without permit.
- H. Portable or mobile message or audible signs of any nature are prohibited.

#### Sec. 14-5-4 WINDOW SIGNS

Signs which are not flashing, intermittent, rotating nor animated may be displayed immediately behind a window provided that the aggregate area of all window signs pertaining to any one establishment does not exceed twelve (12) square feet. Window signs may be displayed without permit.

**Sec. 14-5-5 DIMENSIONS**

Any establishment may have a maximum of three (3) signs, none of which may exceed twenty-five (25) square feet. The total square footage of all face surfaces of a spherical, double faced or multi-faced sign shall not exceed twice the allowable square footage of a single faced sign. The aggregated area of all signs pertaining to one establishment shall not exceed seventy-five (75) square feet.

**Sec. 14-5-6 PERMITS**

- A. If, upon examination of plans, the clerk/treasurer or building inspector finds that the proposed sign complies with this article, this code and all other ordinances of the town, a sign building permit may be issued. Each person, firm or corporation may display one sign without additional fee upon procurement of a business license issued by the town.
- B. Permits for additional signs to be erected or displayed on or after June 11, 1979, may be issued by the office of the town clerk/treasurer at a fee of ten dollars per sign.

**Sec. 14-5-7 NONCONFORMING SIGNS**

- A. Any sign in existence at the time of the adoption of ordinance # 35 may continue as a lawful nonconforming use despite its lack of compliance with said ordinance. Any such nonconforming sign subsequently damaged by fire, wind or natural causes beyond fifty percent may not be replaced except in conformance with the requirements of this article. Signs damaged beyond fifty percent due to arson, accident or vandalism may be repaired or replaced to the same dimensions and configuration as existed before such damage.
- B. All signs permitted and constructed pursuant to this article or pre-existing the effective date of ordinance # 35 shall be continuously maintained in good repair and appearance. All signs that present a broken, damaged or decrepit appearance are hereby declared to be a nuisance and may be abated as such.

**Article 14-6 TOWERS**

- A. All towers, including cellular telecommunication towers, shall be built at site(s) designated by the Patagonia town council. If these sites are not sufficient or satisfactory for some reason, then a variance must be applied for with the town council and approval granted before any construction is started.
- B. All towers must be built so as to accommodate competing entities. The original builder must provide use of the towers to all on a basis comparable in cost and effectiveness to their own, and in compliance to, the rules set out by the Federal Communications Commission (FCC).

**Article 14-7 SALE OF REAL PROPERTY**

- A. For the sale of any real property owned by the town, the minimum bid will be established by the council based on appraised valuation determined by an appraiser designated by the council plus any costs associated with the sale including appraisal, legal, survey, and administration.
- B. For the sale of any roadway owned by the town, the procedure set forth in A.R.S. §28-7204 et. seq. shall be followed.